

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Fig. 9. This replacement sheet, which include Figs. 3, 4 and 9, replaces the original sheet including Figs. 3, 4, and 9. In Fig. 9, the cross-hatching of the various elements has been changed as requested by the examiner, reference numeral 13 has been changed to reference numeral 16A, reference numerals 31 and 32 have been added, and the lead line from reference numeral 35 has been amended to terminate at the proper element.

REMARKS

Objection to the Title

The examiner has objected to the title as not being descriptive. The title has been amended from “Suitcase” to “Expandable Hard Suitcase Having Molded Base and Lid Portions and Method of Making Same.” If the examiner still does not approve of the title, the examiner is respectfully invited to amend the title in any manner the examiner wishes.

Objections to the Drawings

The examiner objected to the drawings for several reasons. The examiner advised that the plastic material of the shells must be reflected by proper cross hatching of the sectional view. In Fig. 9 of the Replacement Sheet of drawings accompanying this Amendment, the cross hatching has been changed to address the examiner’s concerns. As filed, Fig. 9 inadvertently used metal cross hatching instead of plastic cross hatching for the various elements depicted. Thus, all of the cross hatching has been changed from metal cross hatching to plastic cross hatching in Fig. 9. In addition, at page 11, lines 6 and 7 of the application as filed, the written description discloses that “the material forming the Zip fastener sections/strips is conventionally a woven material.” Accordingly, the strip portion of Zip fastener section 16A has been amended in Fig. 9 to properly show the cross hatching for woven material. Fig. 9 was inadvertently filed with reference numeral 13 indicating the associated zip fastener section, but has now been corrected so that the proper reference numeral 16A appears in the figure.

The examiner also advised that the second zip section secured to the first zip section, as claimed in claim 8, must be shown of the feature(s) canceled from the claim(s). Claim 8 has been amended to recite “[t]he method as claimed in claim 6, and characterized in that a first section of the second Zip part stitched to the suitcase lid portion, and the second section of the second Zip part is secured to the first zip section of the first zip fastener part whose second section is secured to the suitcase base portion.” Claim 8 now finds correspondence with the embodiment shown in Figs. 7 and 8 of the application as filed. In particular, it can be seen in Figs. 7 and 8 that the first Zip part 16, which includes zip sections 16A and 16B, is secured to base portion 1 and second Zip part 25, which includes zip sections 25A and 25B, is secured to lid portion 2 and to first Zip part 16. In the application as filed, claim 8 was worded inadvertently with the first and second Zip parts reversed. This inadvertent error has now been corrected.

The examiner suggested that the method steps of claims 1-12 may be properly reflected by a flow diagram, but the examiner did not require this. Because the examiner's suggestion is optional, Applicant respectfully declines to implement the examiner's suggestion, as it is not believed that a flow diagram with words that are merely duplicative of the words recited in the claims themselves would convey any additional information to anyone reading the patent once it issues.

The examiner advised that reference numerals 31 and 32 are missing from the drawings. In Fig. 9 of the Replacement Sheet of drawings accompanying this Amendment, reference numerals 31 and 32 have been added to address the examiner's concerns. In addition, the lead line extending from element 35 has been amended in Fig. 9 to terminate at the proper element. In the written description, the sentence "[w]ith this arrangement layer 34 of plastics material overlies the associated Zip fastener section/strip and effectively hides the Zip fastener portion involved from view and gives additional strength to the stitching of the Zip fastener in place by the **line of stitching 35**" appears at page 11, lines 22-25 of the application as filed (which sentence published as part of paragraph [0066] in U.S. Patent Application Publication No. 2006/0011437 A1). (Emphasis added) Thus, the lead line from reference numeral 35 now properly terminates at the line of stitching rather than at the cover strip. To more easily accommodate this change in the lead line, the positioning of reference numeral 35 in the Fig. has been changed as well. Furthermore, as mentioned above, Fig. 9 was inadvertently filed with reference numeral 13 indicating the associated zip fastener section, but has now been corrected so that the proper reference numeral 16A appears in the figure.

It is believed that all of the informalities concerning the drawings have been cured by the amendments to the drawings. Accordingly, withdrawal of the objections to the drawings is respectfully requested.

Objections to the Abstract

The examiner objected to the use of the word "said" in the Abstract. The Abstract has been amended to replace the word "said" with the word "the" to address the examiner's concerns. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

Objections to the Disclosure

The examiner objected to the disclosure as lacking headings. Headings have been added throughout the disclosure to address the examiner's concerns. In addition, the

examiner advised that the reference numeral 6 was used to denote both a longer side wall and a shorter side wall. The sentence at page 7, line 1 of the application as filed, which sentence introduced side walls 4, 5, 6, and 7, inadvertently reversed which walls were considered the “longer” walls and which walls were considered the “shorter” walls. Accordingly, this sentence has been amended to state that walls 4 and 5 are the “shorter” walls and to state that walls 6 and 7 are the “longer” walls. This amendment secures correspondence between the rest of the written description and the drawings in which reference numeral 6 is used to denote one of the longer side walls. For example, in Fig. 1 it can be seen that handle 22 is coupled to wall 6 and, in Figs. 5 and 6, it can be seen that the wall to which handle 22 is coupled is longer than the walls at the top and bottom of the suitcase. Furthermore, several additional minor amendments to the written description have been made to cure inadvertent omissions, spelling errors, and grammatical errors that were noted during a review of the present application in connection with preparing this Amendment. Accordingly, withdrawal of the objections to the disclosure are respectfully requested.

35 U.S.C. § 112 Objections

The examiner objected to claim 8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The examiner contends that there doesn’t appear to be any description or showing of how the expansion zipper (25) and thus the bead are attached to the plastic luggage shell. In order to make this contention, the examiner appears to be overlooking the discussion in the written description on page 11, lines 6-25 of the application as filed (which published as paragraphs [0065] and [0066] in U.S. Patent Application Publication No. 2006/0011437 A1). These paragraphs are reproduced as follows and include the amendment to paragraph [0065] made herein:

Bearing in mind that the material forming the Zip fastener sections/strips is conventionally a woven material, it has been appreciated that for the purposes of avoidance of damage to the woven material in the vicinity of the regions thereof that are stitched to the base and lid portions 1 and 2, and additionally to enhance the appearance of the suitcase, **those regions of the Zip fasteners strips/sections that are involved in the stitching process are covered by a cover strip 30 (FIG. 9) that is secured to the associated base and lid portions 1 and 2 by the stitching operation involved in securing the associated Zip fastener section/strip to the base and lid sections of the case. (Emphasis added)**

As shown in FIG. 9, the cover strip 30 is formed by an generally compressed S cross-sectioned plastics material strip 31 providing an outer layers 32 and 34 and a central layer 33. **The layers 32 and 33 combine to form a U recess into which is inserted the rim region of the bottom section 1 or that of the lid section 2.** The layers 33 and 34 combine to form a second recess facing opposite direction to the first mentioned recess. **The associated section/strip (16A, 16B or 16A, 25A) of the Zip fastener arrangements 16 and 25 is located within this second recess.** With this arrangement layer 34 of plastics material overlies the associated Zip fastener section/strip and effectively hides the Zip fastener portion involved from view and gives additional strength to the stitching of the Zip fastener in place by the line of stitching 35. (Emphasis added)

Thus, the written description as originally filed describes that cover strips 30 are used to secure zip fastener arrangements 16 and 25 to base and lid portions 1 and 2 of the suitcase. Fig. 9 shows details of the manner in which section 16A of the zip fastener arrangement 16 attaches to base portion 1. Those skilled in the art, seeing Fig. 9, and taking into account the discussion reproduced above, clearly would be enabled to attach zip fastener arrangement (25) to the plastic luggage shell. It is noted that claim 8 makes no reference to any “bead.” Accordingly, withdrawal of the objection to claim 8 under 35 U.S.C. § 112, first paragraph is respectfully requested.

The examiner objected to claim 19 under 35 U.S.C. § 112, second paragraph, as being indefinite. The examiner contends that there is insufficient antecedent basis for the term “the wheels/rolls” appearing in claim 19, and the examiner further contends that claim 18 sets forth “wheels.” However, the examiner appears to be mistaken in her assessment because claim 18 clearly introduces the term “wheels/rolls” thereby providing the needed antecedent basis for the use of that same term in claim 19. Accordingly, withdrawal of the objection to claim 19 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claim Rejections Based on Prior Art

Claims 1-19 are pending in the application. Claims 1, 2, 3, 5, 7, 8, and 13 are amended herein.

The examiner rejected independent claims 1, 2 and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 3,865,166 to Pedro. The examiner rejected independent claim 3, along with dependent claims 4 and 5, under 35 U.S.C. § 103(a) as being unpatentable over Pedro in view of U.S. Pat. No. 4,703,519 to Krenzel. Each of independent

claims 1, 2, 3 and 13 has been amended herein to recite “the lid portion being shaped so as to have a convex main outer surface and the base portion being shaped so as to have a concave main outer surface.” To the extent that Pedro’s weapons case can even be considered a “suitcase” (and that point is debatable), the molded front and rear sections 12, 13 of Pedro’s weapons case each has a convex main outer surface as shown, for example, in Pedro’s Fig. 3. Krenzel’s bag 10, which is considered by Krenzel as col. 3, line 28 to be “used as luggage” is arguably a “suitcase,” but the main outer surfaces of Krenzel’s enclosure portions 12, 14 each has a convex main outer surface as is plainly evident in Krenzel’s Figs. 1 and 2.

Each of Krenzel’s camera bag 38, brief case 86, gun case 112, or cassette carrying case 114 is not believed to properly be considered a “suitcase” but, even if one or more of them were considered to be a “suitcase,” none of them have any portion with a concave main outer surface as required in each of Applicant’s independent claims 1, 2, 3, and 13 as amended herein. In this regard, an appropriate definition of the adjective “main” is given in *Merriam-Webster’s Collegiate Dictionary*, 10th Edition, as “CHIEF, PRINCIPAL” and “of or relating to a broad expanse (as of sea).” Accordingly, Krenzel’s rib means 36, which are stated at col. 5, line 8 of Krenzel to “comprise depressed portions” should not be considered to form a “main” surface of Krenzel’s enclosure portions 12, 14 since they do not form the chief or principal surface of portions 12, 14. The same can be said for the similar rib means of Krenzel’s other embodiments. Other than Krenzel’s bag 10, which has portions 12, 14 with convex main outer surfaces, each of Krenzel’s other embodiments has at least one portion which appears to have a flat main outer surface. None of the other references cited by the examiner teach or suggest a suitcase with a “base portion being shaped so as to have a concave main outer surface” as now recited in each of Applicant’s independent claims. In fact, such a shape for a base portion of a suitcase is counterintuitive because it reduces the internal volume of the suitcase available for holding a person’s clothing and personal articles. Accordingly, independent claims 1, 2, 3 and 13, as well as claims 4-12 which depend either directly or indirectly from claim 1 and claims 14-19 which depend either directly or indirectly from claim 13, are in condition for allowance and such action is respectfully requested. The amendment to independent claims 1, 2, 3 and 13 is made in an effort to expedite the prosecution of this application to allowance due to the fact that there is an infringer in the market. Applicant reserves the right to file one or more continuing applications reciting combinations of elements that are different and/or broader than the claims as amended herein.

The examiner rejected dependent claims 6, 8-10 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over Pedro in view of Krenzel and further in view of U.S. Pat. Application Publication No. 2003/0000784 A1 to Hsu. The examiner rejected dependent claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Pedro in view of Krenzel in view of Hsu and further in view of U.S. Pat. No. 3,443,671 to Dyke. Finally, the examiner rejected dependent claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Pedro in view of U.S. Pat. No. 6,345,709 to Cheng. Because each of the independent claims, from which claims 6-12 and 14-19 depend, are in condition for allowance as explained above, the various prior art rejections of claims 6-12 and 14-19 have been rendered moot.

Final Remarks

Claim 5 has been amended merely to cure a typographical error. In addition, it should be noted that, in claim 13, the word "whilst" was deleted by the Preliminary Amendment filed on June 2, 2005. However, the claim as published in U.S. Patent Application Publication No. 2006/0011437 A1 included the deleted word. Thus, claim 13 has been amended herein to show again the deletion of the word "whilst," although, technically, this word has already been deleted from claim 13.

An earnest attempt has been made to address all of the objections and rejections made by the examiner in the Office Action mailed January 17, 2006. If there are any questions or comments that would speed prosecution of this patent application, the examiner is invited to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 38566-77784.

Respectfully submitted,

BARNES & THORNBURG LLP



Ronald S. Henderson
Attorney Reg. No. 43669

Indianapolis, Indiana
317-231-7341

INDS02 RSH 790234v1

Fig. 9 is a schematic diagram of a mechanical assembly. The diagram includes the following labels and annotations:

- 30**: Points to a horizontal cylindrical component with diagonal hatching.
- 1**: Points to a curved, ribbed component on the left.
- 34**: Points to a vertical rod passing through the center of the assembly.
- 31**: A circle containing the number 31, with the handwritten annotation "Added ref. no." above it.
- 16A**: A circle containing the number 16A, with the handwritten annotation "Corrected ref. no." above it.
- 35**: A circle containing the number 35, with the handwritten annotation "Moved ref. no." below it.
- 32**: A circle containing the number 32, with the handwritten annotation "Added ref. no." below it.
- 33**: Points to a small circular component on the right.
- Changed cross hatching**: A bracket on the right side of the diagram, indicating a change in the hatching pattern for the components it encompasses.